

**MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
FEBRUARY 18, 2009**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, February 18, 2009, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

Call to Order. Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

Roll Call.

Mayor William J. Schmitt	Present
Council members:	
John Schroeder	Present
David Prechtel	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Absent
Kevin Manley	Present
Randall Buchta	Present
Raymond Howard	Absent
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. Five of the seven council members were in attendance which is a majority; therefore, there was a quorum for the meeting.

Approval of the Minutes:

The following minutes were distributed to and examined by the Council:

1. January 16, 2009 regular Common Council meeting

A **motion** was made by Council member John Schroeder and seconded by Council member Kevin Manley to approve the minutes as presented. Motion carried 5-0.

Boy Scouts. There were two Boy Scouts present from Troop #185 who are working on their merit badges. In attendance were Eli Seng and his brother Ben Seng.

Utility Service Board. General Manager of Utilities Gerald 'Bud' Hauersperger gave a report on the regular monthly Utility Service Board meeting held on February 16, 2009. Copies of the minutes are supplied to each council member.

Ordinance No. 2008-34 AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE CUSTOMERS OF THE JASPER MUNICIPAL ELECTRIC UTILITY.

Ordinance No. 2008-34 amends the electric utility schedule of rates and charges effective for those electric billings due March 1, 2009. The ordinance was introduced on first reading on December 17, 2008. Second reading was held January 21, 2009 and a public hearing was held prior to this meeting.

A motion was made by Council member Randy Buchta and seconded by Council member David Prechtel to have the ordinance read on the third and final reading by title only. Motion carried 5-0 and the ordinance was so read. Thereafter, a motion was made by Council member John Schroeder and seconded by Council member Kevin Manley to pass and adopt Ordinance No. 2008-34 on the third and final reading. Motion passed 5-0.

Ordinance No. 2009-1 AN ORDINANCE APPROPRIATING ADDITIONAL MONEY FOR THE CITY OF JASPER, INDIANA, FOR THE REMAINDER OF THE FISCAL YEAR ENDING DECEMBER 31, 2009.

This ordinance appropriates additional money to put projects back on the books. A Notice to Taxpayers appeared in the Herald on February 6, 2009.

A motion was made by Council member Randy Buchta, seconded by Council member David Prechtel and approved 5-0 to consider the ordinance for one reading only. Thereafter, a motion was made by Council member Thomas Schmidt, seconded by Council member Randy Buchta and approved 5-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Kevin Manley to pass and adopt Ordinance No. 2009-1. The motion passed 5-0.

Mayor Schmitt asked if there were any comments from the public in reference to Ordinance No. 2009-1. No public comments were received.

Clerk-Treasurer Juanita Boehm said the appropriations were for the 800 megahertz radio equipment for the police department and for another phase of the walking path project.

Ordinance No. 2009-2 AN ORDINANCE AMENDING ORDINANCE NO. 1995-12, ENTITLED AN ORDINANCE ESTABLISHING THE COMPREHENSIVE POLICY AND EMPLOYEE HANDBOOK FOR THE EMPLOYEES OF THE CITY OF JASPER, INDIANA.

This ordinance amends employee handbook policy 505 to prohibit tobacco products in the City buildings, vehicles and equipment.

A motion was made by Council member Kevin Manley, seconded by Council member Thomas Schmidt and approved 5-0 to read the ordinance for one reading only. Thereafter, a motion was made by Council member Thomas Schmidt, seconded by Council member Randy Buchta and approved 5-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, a motion was made by Council member John Schroeder and seconded by Council member Dave Prechtel to pass and adopt Ordinance No. 2009-2. Motion passed 5-0.

Under discussion, City Attorney Sandra Hemmerlein said the City has a policy that prohibits smoking in City buildings. This ordinance adopts a policy that also prohibits the use of tobacco products in City vehicles and equipment.

Ordinance No. 2009-3 AN ORDINANCE AMENDING ORDINANCE NO. 1997-19, ENTITLED AN ORDINANCE REGULATING ANIMALS IN THE CITY OF JASPER AND PROVIDING PENALTIES FOR VIOLATION OF SUCH REGULATIONS

This ordinance adds NEGLECT to the ordinance regulating animals.

A motion was made by Council member David Prechtel, seconded by Council member Kevin Manley and approved 5-0 to consider the ordinance for one reading only. Thereafter, a motion was made by Council member Randy Buchta, seconded by Council member Thomas Schmidt and approved 5-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Randy Buchta to pass and adopt Ordinance No. 2009-3. Motion passed 5-0.

Under discussion, City Attorney Sandra Hemmerlein said this topic was discussed at the last meeting and she was asked to amend the animal ordinance to include shelter, therefore a NEGLECT section was added to the ordinance.

Ordinance No 2009-4 AN ORDINANCE AMENDING ORDINANCE NO. 2008-28, ENTITLED AN ORDINANCE AFFIXING SALARIES AND WAGES FOR THE UTILITY EMPLOYEES OF THE CITY OF JASPER, INDIANA, FOR THE YEAR 2009.

This ordinance changes the compensation rate for the Utility Business Office Manager position from hourly to salary.

A motion was made by Council member Randy Buchta, seconded by Council member David Prechtel and approved 5-0 to read the ordinance for one reading only. Thereafter, a motion was made by Council member Thomas Schmidt, seconded by Council member John Schroeder and approved 5-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, a motion was made by Council member David Prechtel and seconded by Council member Randy Buchta to pass and adopt Ordinance No. 2009-4. Motion passed 5-0.

Ordinance No. 2009-5 AN ORDINANCE AMENDING ORDINANCE NO. 2006-19, ENTITLED AN ORDINANCE AUTHORIZING THE COLLECTION OF AN APPLICATION FEE FOR A HANDGUN LICENSE.

This ordinance amends the handgun license application fee ordinance so if the state determines an individual is exempt from paying the state fee, then that person is exempt from paying the local fee.

A motion was made by Council member Randy Buchta, seconded by Council member Thomas Schmidt and approved 5-0 to read the ordinance for one reading only. Thereafter, a motion was made by Council member Thomas Schmidt, seconded by Council member David Prechtel and approved 5-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Randy Buchta to pass and adopt Ordinance No. 2009-5. Motion carried 5-0.

Ordinance No. 2009-6 AN ORDINANCE AMENDING ORDINANCE NO. 2006-48, ENTITLED AN ORDINANCE PROVIDING FOR SPEED DISTRICTS AND SPEED LIMITS IN THE CITY OF JASPER, INDIANA

This ordinance sets the maximum speed limit for portions of 47th Street, CR 400W, CR 150N, CR 350W, and Third Avenue.

A motion was made by Council member Randy Buchta, seconded by Council member John Schroeder and approved 5-0 to consider the ordinance for one reading only. Thereafter, a motion was made by Council member David Prechtel, seconded by Council member Thomas Schmidt and approved 5-0 to read the ordinance by title only. The ordinance was so read. Thereafter, a

motion was made by Council member Thomas Schmidt and seconded by Council member David Prechtel to pass and adopt Ordinance No. 2009-6. Motion carried 5-0.

Under discussion City Attorney Sandra Hemmerlein said the areas listed below are from annexations and we are putting into the City's ordinance the speed limit that was posted when it was under another entity's jurisdiction. The areas and maximum speed limits are:

1. 47th Street – From Portersville Road to U.S. 231 – Forty five (45) miles per hour.
2. County Road 400 West – From Brescher Drive to a point 1900 feet south of Brescher Drive – Thirty-five (35) miles per hour.
3. County Road 150 North – From County Road 350 West to a point 2420 feet west of County Road 350 W – Thirty-five (35) miles per hour.
4. County Road 350 West – From State Road 56 to County Road 150 North-Thirty-five (35) miles per hour.
5. Third Avenue – From State Road 164 to Church Avenue – Thirty-five (35) miles per hour; From Church avenue to Meridian Road – Forty (40) miles per hour; From Meridian Road to A Street – Forty-five (45) miles per hour.

Ordinance No. 2009-7 AN ORDINANCE AMENDING ORDINANCE NO. 2002-54, ENTITLED AN ORDINANCE ESTABLISHING FEES FOR ACTIVITIES OF THE JASPER DEPARTMENT OF PARKS AND RECREATION

This ordinance amends the park and recreation activity fee schedule to increase the train depot rental fee and to add rental fees for the Riverwalk Barn, Gazebo, and shelter houses; shelter houses at Bohnert Park and Jaycee Park; stationary train cars.

A motion was made by Council member Randy Buchta, seconded by Council member David Prechtel and approved 5-0 to consider the ordinance for one reading only. Thereafter, a motion was made by Council member Thomas Schmidt, seconded by Council member Kevin Manley and approved 5-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, a motion was made by Council member David Prechtel and seconded by Council member Randy Buchta to pass and adopt Ordinance No. 2009-7. Motion carried 5-0.

Under discussion City Attorney Sandra Hemmerlein stated the following additions and changes to the rental fee schedule are a recommendation from Jasper City Park & Recreation Board:

TRAIN DEPOT RENTAL

Private social functions, i.e. bridal showers, birthday parties –
change from \$50.00 to \$70.00
Business Meetings – change from \$20.00 to \$30.00

STATIONARY TRAIN CAR RENTAL

Parlour Car – up to two (2) hours	\$100.00
Lounge Car – up to two (2) hours	\$100.00
Train Cars may be rented for longer than two (2) hours, with the rental for each additional two (2) hours or portion thereof an additional \$100.00	

RIVERWALK BARN

Rental	\$50.00
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RIVERWALK GAZE BO

Reservation	\$50.00
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PARK SHELTERHOUSE RESERVATION

JAYCEE PARK	\$25.00 per shelter house
BOHNERT PARK	\$25.00 per shelter house
RIVERWALK	\$25.00 per shelter house

Shelter houses at any other City of Jasper Park or at any of the Parks listed above that have not been reserved may be used at no cost on a first come, first served basis.

Ordinance No. 2009-8 AN ORDINANCE ADOPTING A PROHIBITION ON DIRECT RETAIL CUSTOMER PARTICIPATION IN DEMAND RESPONSE PROGRAMS OF MISO FOR THE JASPER MUNICIPAL ELECTRIC UTILITY

This ordinance creates a policy with respect to the aggregation of demand response on behalf of retail electric customers of the City of Jasper.

A motion was made by Council member Kevin Manley, seconded by Council member David Prechtel and approved 5-0 to read the ordinance for one reading only. Thereafter, a motion was made by Council member Randy Buchta, seconded by Council member John Schroeder and approved 5-0 to have the ordinance read by title only. The ordinance was so read. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Randy Buchta to pass and adopt Ordinance No. 2009-8. Motion carried 5-0.

Under discussion City Attorney Sandra Hemmerlein said this ordinance is a recommendation from the Utility Service Board and from IMPA. General Manager of Utilities Bud Hauersperger explained the need for the ordinance.

Ordinance No. 2009-9 AN ORDINANCE WHICH REPLACES ORDINANCE NO. 2007-26 AND ORDINANCE NO. 1998-10, ADOPTING RULES, REGULATIONS, CONDITIONS, AND NON-RECURRING CHARGES APPLYING TO UTILITY SERVICES FROM THE CITY OF JASPER

This ordinance updates the utility rules, regulations, conditions and non-recurring charges and the customer application and deposit policy.

A motion was made by Council member Randy Buchta, seconded by Council member John Schroeder and approved 5-0 to read the ordinance for one reading only. Thereafter, a motion was made by Council member David Prechtel, seconded by Council member Thomas Schmidt and approved 5-0 to read the ordinance by title only. The ordinance was so read. Thereafter, a motion was made by Council member Thomas Schmidt, seconded by Council member Randy Buchta and approved 5-0 to pass and adopt Ordinance No.2009-9.

Under discussion City Attorney Sandra Hemmerlein said this ordinance comes from the recommendation of the Utility Service Board. She then gave the following highlights of some of the changes,

1. combining the current ordinance on rules, regulations, conditions and non-recurring charges with the current ordinance on customer application and deposit policy
2. relaxing the deposit requirement under 'history of being past due'
3. add a Billing Adjustments section

4. add language that requires customers to pay by money order if they desire reconnection after hours
5. clarify that a temporary disconnect/reconnect fee will be charged anytime a reconnection is requested
6. what can and cannot be done to a utility customer in the event of a bankruptcy
7. Utilities must have 24 hour access to an inside meter
8. raises Temporary Disconnect/Reconnect Fees to \$50.00 during business hours and \$100.00 after hours. There used to be a three-tiered fee structure The Delinquent Account Collection Fee and Seasonal Service Disconnection/Reconnection Fee would also both be raised to \$50.00.

Second Amendment to the Development Agreement with ROJAC. Mayor Schmitt presented a second amendment to the Development Agreement between the City of Jasper and ROJAC and said the purpose of the agreement is to allow up to 50% of the rental fees collected for the train cars and Barn to go to ROJAC so they can continue to develop and promote recreation and tourism.

Council member Kevin Manley said he is favor of the amendment as long as the City's expenses are covered. He wished the amendment said it would be reviewed each year. Mayor Schmitt said we need to embrace and promote tourism in that area. ROJAC has covered a lot of the expenses for the train and he believes this amendment is the right thing to do for the City. Council member John Schroeder said we have to look at this issue just like we look at the parks and pool. We do not make money in those areas because they are services we provide. This is just another service we are providing to the City.

Thereafter, a **motion** was made by Council member Thomas Schmidt and seconded by Council member John Schroeder to approve the second amendment to the development agreement with ROJAC and allow the Mayor to enter into the agreement. Motion carried 5-0.

RESOLUTION NO. 2009-1 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF JASPER AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO CAPACITY AND ENERGY PURCHASE AND DISPATCH AGREEMENT BETWEEN INDIANCA MUNICIPAL POWER AGENCY AND CITY OF JASPER, INDIANA.

This resolution amends the Capacity and Energy Purchase and Dispatch Agreement between IMPA and the City of Jasper to address monthly resource adequacy payments to the City.

A motion was made by Council member David Prechtel, seconded by Council member Randy Buchta and approved 5-0 to read the resolution for one reading only. Thereafter, a motion was made by Council member Thomas Schmidt, seconded by Council member John Schroeder and approved 5-0 to have the resolution read by title only. The resolution was so read. Thereafter, a motion was made by Council member Randy Buchta and seconded by Council member David Prechtel to pass and adopt Resolution No. 2009-1. Motion carried 5-0.

Under discussion City Attorney Sandra Hemmerlein said this resolution was a recommendation from the Utility Service Board.

RESOLUTION NO. 2009-2 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF JASPER ADOPTING A MISSION STATEMENT FOR THE CITY OF JASPER, INDIANA FOR THE INDIANA CLEAN COMMUNITY CHALLENGE

This resolution adopts a mission statement for the City of Jasper as part of the IDEM CLEAN community challenge.

A motion was made by Council member Thomas Schmidt, seconded by Council member David Prechtel and approved 5-0 to have the resolution read for one reading only. Thereafter, a motion was made by Council member Randy Buchta, seconded by Council Member John Schroeder and approved 5-0 to have the resolution read by title only. The resolution was so read. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Randy Buchta to pass and adopt Resolution No. 2009-2. Motion carried 5-0.

Under discussion City Attorney Sandra Hemmerlein said the City of Jasper desires to become a part of Indiana Department of Environmental Management's Comprehensive Local Environmental Action Network (CLEAN). Participating in the CLEAN program will improve environmental awareness, increase efficiency, reduce costs, and provide for greater operational consistency, improve the City's ability to meet IDEM compliance requirements, and provide better communication between the City, citizens and businesses concerning environmental issues. A Stakeholder Committee, consisting of the following eight members Jill Cravener, Ed Hollinden, Raymond Eckerle, Ashley Kiefer, Mayor Schmitt, Al Kiefer, Lois Kuntz, and Sandra Hemmerlein was formed. One of the first steps in participating in the CLEAN program is to adopt a mission statement. Hemmerlein then read the mission statement. Mayor Schmitt said currently the program is confined to City government.

Adjournment. There being no further business to come before the Board, a motion was made by Council member Thomas Schmidt and seconded by Council member Randy Buchta to adjourn the meeting. The motion carried 5-0 and the meeting adjourned at 8:30 p.m.

The minutes were hereby approved _____ with X without corrections or clarification this 18th day of March, 2009.

Mayor William J. Schmitt
Presiding Officer

Attest:

Juanita S. Boehm, Clerk-Treasurer

Margaret A. Kress, Recording Secretary